Joseph Alsop

The Appearance of Guilt

Jnt 4/22/74

In political Washington at the moment, most of the denizens resemble hyenas at the kill, burrowing horribly in the entrails, but occasionally raising bloodstained jaws to emit the characteristic hyena-laugh. The kill is the President of the United States. Even if the main fault is the President's, it is not a pretty sight.

This makes it all the harder to judge the President's real fault. Yet it is also hard, any longer, to avoid the conclusion that the President has positively asked for the hyenas, *in one way or another*. If you are not a hyena yourself, you have to underline that "one way or another."

The point, here, is that no one can tell which way, who has not altogether abandoned the American rule in favor of presumed innocence until guilt has been solidly proven. The facts that may or may not prove the President's guilt are hidden in a vast maze of White House tapes or documents. And these are either in the hands of the President's future judges, or are under subpoena, or may be later requested or subpoenaed.

For the present, therefore, it is only possible to say the President has asked for the hyenas by constantly giving the appearance of guilt—whether or not the appearance is misleading. In other words, he has repeatedly resisted yielding up tapes and documents. Almost worse, he has loudly said, or he has had his understrappers say for him, "Never, Never, Never!" And then, when the ultimate crunch came, he has in fact yielded.

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Meanwhile, however, you cannot be sure what all this really means. To begin with, it is now clear from many sources that the President, when in total privacy, completely casts off the manners that he wears in public. He is foul-mouthed. He is vicious about his enemies. He is uncharitable about friends who oppose him.

Add to these traits of the President-at-his ease the character of so many of his former subordinates. You can then see why Richard M. Nixon would resist tapes of his undress conversations with these sleazy, seedy, brown-nosing people being spread upon any kind of record, even if they contained no particle of evidence of real presidential guilt.

Add, further, that the President has always had a high notion of the prerogatives of his office. Add, finally, that he has a highly developed persecution complex; that he always expects all evidence to be unfairly interpreted against him; and that he is really serving as his own lawyer—which is a bad mistake in a real bind.

In and of themselves, the foregoing facts are quite enough to explain the presidential behavior that has created the appearance of guilt. That is why one has to say, "in one way or another"—because you cannot possibly tell at this juncture whether the President is merely at fault for creating the appearance, or whether he has created the appearance because he has so much to hide.

Take, for instance, the history of the House Judiciary Committee subpoena of 43 additional White House tapes. The story begins with a quite justifiable White House request that the committee specify the subjects relevant to its inquiry. It took the committee's special counsel an extremely blameable two weeks to answer the White

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